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**TO: Regulatory Functions Board**

**ON: 1 September 2022**

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**REPORT BY: Director of Communities and Housing Services**

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**HEADING: Scottish Government – Consultation on restricting promotions of food and drink high in fat, sugar and salt**

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## **1. Summary**

- 1.1. The Scottish Government launched a consultation on restricting the promotions of food and drink high in fat, sugar and salt on 1 July 2022. This is the latest of a number of consultation exercises that have sought to consider options to tackle a significant and increasing health issue across the UK.
  - 1.2. The current on-line survey can be accessed at:  
<https://www.gov.scot/publications/consultation-restricting-promotions-food-drink-high-fat-sugar-salt/>
  - 1.3. The final date for submission to the consultation is 23 September 2022. A draft response from the Council is attached as Appendix 1 to this report for the approval of members and will be submitted in line with the timescales provided.
  - 1.4. In the proposed response Renfrewshire Council strongly supports the development of public health measures such as introducing restrictions on foods high in fat, sugar and salt, but highlights that it is also acutely aware of the cost-of-living crisis and the challenges surrounding food poverty and increasing use of food banks within some communities in Renfrewshire. Therefore, whilst foods high in fat, sugar and salts are causing a particular health crisis which requires to be tackled, the Renfrewshire Council response calls on the Scottish Government to ensure that the price of healthier options remains affordable to ensure nutritious and wholesome food is available for all Renfrewshire residents.
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## **2. Recommendations**

- 2.1. It is recommended that the Regulatory Functions Board:

- (i) notes the consultation on restricting promotions on foods high in fat, sugar and salt:
  - (ii) approves the Council's consultation response as detailed in Appendix 1 to this report.
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### 3. Background

- 3.1. In the 2021-22 Programme for Government, the Scottish Government committed to bring forward legislation during this Parliament to restrict 'unhealthier food and drink promotions'. This is an issue that has caused concern for some time.
- 3.2. The consultation paper sets out that approximately two out of three adults in Scotland are living with being overweight, or obesity. In 2019, 70% of adults in the most deprived areas of Scotland were living with being overweight, or obesity, compared to 60% of adults in the least deprived areas. A higher prevalence of excess weight is also seen in some minority ethnic groups. There is also a higher prevalence of children at risk of being overweight, or obesity in the most deprived areas (35%) compared to in the least deprived areas (22%).
- 3.3. To consider these issues the Scottish Government has previously undertaken consultation on reducing the health harms of food high in fat, sugar and salt between October 2018 and January 2019. Renfrewshire Council fed into the CoSLA Health and Social Care Board on these proposals and while supportive, highlighted the potential for increasing the impact on resources for both Environmental Health (to conduct obesity and calorific checks) and Trading Standards (control of pricing).
- 3.4. In addition, the UK Government has previously run a consultation on restricting promotions of food and drink that is high in fat, sugar and salt between January 2019 and April 2019. Results of the UK Government consultation can be found at: <https://www.gov.uk/government/consultations/restricting-promotions-of-food-and-drink-that-is-high-in-fat-sugar-and-salt/outcome/restricting-promotions-of-products-high-in-fat-sugar-and-salt-by-location-and-by-price-government-response-to-public-consultation>
- 3.5. The responses to the Scottish Government 2018/19 consultation demonstrated general support for the overarching aims of the policy. But views on the specific proposals set out in the consultation were more mixed:
  - Non-industry respondents were generally supportive of the proposals and considered them necessary in light of the scale of the public health challenge. Some suggested that the proposals should go further and target a wider range of foods and promotion types and limit exemptions;
  - Industry respondents generally disagreed with the approach or did not state a specific view. Key concerns raised included: the potential negative impact on businesses generally and specifically on smaller and specialist businesses; and concern about conflict with and the undermining of existing approaches, such as reformulation.; and

- Individuals' views were mixed but supportive overall.
- 3.6. The primary aim of the policy now being considered and consulted on is to reduce the public health harms associated with the excess consumption of calories, fat, sugar and salt, including the risks of developing type 2 diabetes, various types of cancer and other conditions such as cardiovascular disease. The Scottish Government are also aware of the need to reduce diet-related health inequalities, including in relation to socioeconomic disadvantage, and for the policy to support their aim to halve childhood obesity by 2030.
- 3.7. Measures to restrict the in-store promotion and marketing of High Fat, Sugar and Salt (HFSS) foods are intended to complement measures at UK and Scottish levels to encourage reformulation to reduce the calorie, salt and sugar content of high fat, sugar and salt foods, including by reducing portion sizes.
- 3.8. The HFSS foods that the Scottish Government are considering targeting include, among other things, confectionery, cakes, crisps, savoury snacks and soft drinks with added sugar. The promotion types they are considering restricting include, among other things, multibuys and positioning restrictions, such as at checkouts and front of store. These are described in more detail in Section 4 of this report.
- 3.9. In this consultation, the Scottish Government are seeking views on proposals to restrict promotions on the following issues:
- Introducing restrictions on promotions of additional food categories beyond so-called 'discretionary foods' (foods that provide little or no nutritional benefit and are not necessary for a healthy diet)
  - Types of promotions that should be restricted
  - Places where restrictions should apply, including possible exemptions
  - Enforcement and implementation of the proposed restrictions
  - Impact on business and health inequalities
  - Potential for policy consistency with the equivalent UK Government restrictions for England and the proposals for Wales set out in the recent Welsh Government consultation paper.
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## 4. **Proposals**

- 4.1. With regards to Promotion Restrictions, the Scottish Government have proposed 4 options which are given below:

### **Option 1: Discretionary foods only**

- Confectionery
- sweet biscuits
- crisps
- savoury snacks (for example, cereal snacks, popcorn, corn snacks)
- cakes
- pastries (for example, Danish pastries, croissants, pain au chocolats, tarts)

- puddings (for example, fruit puddings, sponge puddings, sticky toffee pudding)
- soft drinks with added sugar (this includes soft drinks such as cola or lemonade, as well as juice or milk-based drinks with added sugar).

**Option 2: Discretionary foods + ice cream and dairy desserts**

- All categories in Option 1 above
- Ice cream and dairy desserts.

**Option 3: Categories that are of most concern to childhood obesity** (this option would be consistent with those set out in the UK Government regulations for England)

- All categories in Options 1 and 2 above
- Breakfast cereals
- Sweetened yoghurt and fromage frais
- Pizza
- Ready meals
- Roast potatoes, chips and similar potato products.

**Option 4: All categories included in the UK-wide reformulation programmes**

- All categories in Options 1, 2 and 3 above
- Garlic bread
- Pies and quiches
- Bread with additions
- Savoury biscuits crackers and crispbreads
- Cooking sauces and pastes
- Table sauces and dressings
- Processed meat products
- Pasta /rice/ noodles with added ingredients and flavours
- Prepared dips and composite salads as meal accompaniments
- Egg products/dishes
- Sweet spreads.

- 4.2. The UK Government regulations specify the use of the 2004/05 Nutrient Profiling Model 2004/05 (NPM) to identify the products within categories which are subject to restrictions in England. The Welsh Government consultation also proposes that Wales will use the 2004/05 Nutrient Profiling Model. Nutrient profiling uses a scoring system which balances the contribution made by beneficial nutrients that are particularly important in diets with components in the foods that the population should eat less of. The Scottish Government proposes to use the same model for identifying which products should be included or excluded.
- 4.3. With regards to multi-buy promotions compared to other types of price promotions, the Scottish Government are consulting on whether to restrict the following:

- i) Multi-buys of pre-packed foods, including:
    - “X for Y”, (e.g. “buy one get one free”, “extra free”, and “3 for 2” offers)
    - “Y for £X” (e.g. “3 for £2”, meal deals);
  - ii) Unlimited refills for a fixed charge on soft drinks with added sugar that are HFSS or “less healthy” (as defined by the NPM), whether pre-packed or non-pre-packed.
- 4.4. With regard to restricting the location of targeted foods in prominent places in physical premises where they are sold to the public, the Scottish Government are consulting on whether to restrict the following locations:
- checkout areas, including self service
  - end of aisle
  - front of store, including store entrances and covered outside areas connected to the main shopping area
  - island/ bin displays
- 4.5. They also propose that these restrictions would apply to the equivalent locations online, for example home and checkout pages.
- 4.6. The Scottish Government proposals would apply the restrictions to any place where pre-packed targeted foods, and non-pre-packed soft drinks with added sugar in respect of unlimited refills for a fixed charge, are sold to the public in the course of business. This would include:
- **Retail** such as supermarkets, convenience stores, discounters and bargain stores (including online sales)
  - **Out of home** such as takeaway, home delivery services, restaurants, cafes, coffee shops, bakeries, sandwich shops and workplace canteens (including online sales)
  - **Wholesale** outlets where there are also sales made to the public (including online sales)
  - **Other outlets** such as clothes shops, tourist shops and pharmacies (including online sales)
- 4.7. The Scottish Government propose that the restrictions should also apply to online sales of pre-packed targeted foods from retail, out of home, wholesale outlets and other outlets selling targeted foods. This would include home delivery services such as third-party apps that facilitate the order of food from a restaurant or takeaway to a consumer as well as online grocery shopping sites.

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## **Implications of the Report**

1. **Financial** – Depending on the outcome of the consultation, there is a potential for an increase in resource requirement for Environmental Health and Trading Standards to ensure compliance with restrictions/legislation.

2. **HR & Organisational Development** – None

3. **Community Planning**

**Renfrewshire is well** – Evidence has shown that obesity, weight and poor diet are contributing factors to a poorer society. By improving the nutrition of foods, this should improve the health and wellbeing of the community, especially if the food is affordable.

4. **Legal** – None

5. **Property/Assets** – None

6. **Information Technology** – None

7. **Equality & Human Rights**

(a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None

9. **Procurement** – None

10. **Risk** – None

11. **Privacy Impact** – None

12. **CoSLA Policy Position** – N/A

13. **Climate Change** – None

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## List of Background Papers

None

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## CONSULTATION ON RESTRICTING PROMOTIONS OF FOOD AND DRINK HIGH IN FAT, SUGAR OR SALT

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual  
☒ Organisation

If you are responding on behalf of an organisation, what type of organisation is it?

- ☐ Industry representative body  
☐ Manufacturer  
☐ Retailer  
☐ Out of home provider (e.g. fast food outlet, coffee shop, restaurant)  
☒ Public sector  
☐ Third Sector  
☐ Other (please specify)

Local Authority

If you are responding on behalf of a retailer or out of home provider, please state the size of this business:

- ☐ Micro (fewer than 10 employees)
- ☐ Small (between 10 and 49 employees)
- ☐ Medium (between 50 and 249 employees)
- ☐ Large (more than 249 employees)

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
- ☐ Publish response only (without name)

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.



☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ Yes

☐ No

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## QUESTIONNAIRE

### Section 1. Foods that would be subject to restrictions

#### Question 1

Which food categories should foods promotion restrictions target?

- ☐ Option 1: Discretionary food categories (paragraph 61)
- ☐ Option 2: Discretionary foods + ice-cream and dairy desserts (paragraph 62)
- ☐ Option 3: Categories that are of most concern to childhood obesity (paragraphs 63-64)
- ☐ Option 4: All the categories included in the UK-wide reformulation programmes (paragraph 65)
- ☒ Other (please specify)
- ☐ Don't know

Please explain your answer.

If the product has a high fat (saturated fat) sugar and salt profile with low nutritional value and is highly processed with artificial sweeteners, then it should be restricted and priced to discourage uptake. In doing so, it will also future proof compliance (so that manufacturers do not try to circumvent the legislation by claiming it is something else).

To make enforcement consistent, all foods in the abovementioned categories must be included, not just the 4 options provided.

However, Renfrewshire Council firmly believes that incentivising healthy eating and providing affordable healthy food is extremely important at this time (Cost of Living Crisis) to ensure that restrictions don't prevent people from being able to access and eat affordable food.

#### Question 2

Should nutrient profiling be used within all targeted food categories to identify non-HFSS foods? (see paragraphs 68-72 for information on nutrient profiling)

- ☐ Yes
- ☐ No
- ☒ Don't know
- ☐ Other (please specify)

Please explain your answer.

It is agreed that a model requires to be used to identify which products are higher in fat, salt and sugar i.e. where is the cut-off line for products? However, it is extremely important to take the public with you so they understand why price and offers are changing. Again, it is important that they are incentivised to make healthier choices i.e. buy 1 XXX get a bag of apples free.

The traffic light system was previously used already but never became a legal requirement – consideration could be given to making this a bold statement to let people make informed choices.

Consumers are already aware of the traffic light system, and it has been well received by them. Consideration should be given to the promotion of this system and making it a legal requirement for manufacturers. Many consumers currently have limited knowledge of nutrient profiling and do not understand the process required to make confident positive choices. There needs to be clear “instructions” for people to decide and make healthier choices and the traffic light system could be the basis of this information.

### Question 3

If nutrient profiling were used, do you agree with the proposal to only target pre-packed products and non-pre-packed soft drinks with added sugar in respect of unlimited refills for a fixed charge? (see paragraphs 73-74 for further information):

- ☐ Yes
- ☒ No
- ☐ Don't know
- ☐ Other (please specify)

Please explain your answer.

Whilst appreciating the targeting of pre-packed foods, we must target the out of home environment more generally e.g. loose HFSS foods in, for example, bakery settings/ takeaway foods that are not prepacked are currently major calorie influencers and causes of obesity and poor nutrition.

Renfrewshire Council doesn't agree that some businesses don't have relevant nutritional information for individual items e.g. pain au chocolat. The legislation needs to stop businesses from being able to buy in bulk and then sell items individually or to use other approaches to circumvent restrictions i.e. free doughnut with coffee. Businesses are adept at getting around requirements or restrictions where an opportunity is present, therefore individual items should be targeted when they are known to be high in fat, sugar and salt.

## Section 2. Price promotions

### Question 4

What are your views on the proposal to include the following within the scope of multi-buy restrictions:

Extra Free:

- ☒ Agree
- ☐ Disagree
- ☐ Don't know

Meal Deals:

- ☒ Agree
- ☐ Disagree
- ☐ Don't know

Please explain your answers.

It is agreed that the proposal should target situations where consumers make unhealthy choices – promotions of the larger bag size/or unhealthy meal deals. Studies and work need to be done to understand the high percentage of purchases in these areas.

However, a potential problem relates to the current cost-of-living crisis coming on the back of ongoing issues of food poverty that have been ongoing in some communities for a number of years. It is known that many people with lower disposable income currently rely on these types of deals/foods in order to provide a sufficient quantity of food for consumption. There has to be a balance struck – meaning access to a healthy, affordable alternative is prioritised and made available as part of the proposals.

### Question 5

What are your views on the proposal to restrict unlimited refills for a fixed charge on targeted soft drinks with added sugar?

- ☒ Agree
- ☐ Disagree
- ☐ Don't know
- ☐ Other (please specify)

Please explain your answer.

There should only be unlimited refills on healthy options e.g. water

Businesses must be encouraged to promote a positive attitude towards the healthier option to ensure that the healthier choices are made.

### Question 6

Should other targeted foods be included in restrictions on unlimited amounts for a fixed charge?

☒ Yes

☐ No

☐ Don't know

Please explain your answer.

Buffet style takeaway/restaurants that encourage eat as much as you like for fixed charge should be targeted as part of the proposals. In addition desserts should be targeted as a growing market i.e. return visits to ice cream machine.

The proposals should also target set areas which are extremely high in fat, sugar and salt e.g. Munchie boxes in takeaways

In general, the portion size of High Fat Sugar and Salt foods requires to be targeted so that the calorific intake is known.

### Question 7

What are your views on the proposal to restrict temporary price reductions (TPRs)?

☒ Agree

☐ Disagree

☐ Don't know

☐ Other (please specify)

Please explain your answer.

Restriction of temporary price reductions for unhealthy foods and choice combinations is supported as it removes an incentive to buy unhealthy products that are cheaper. However, unless we allow consumers the choice to buy healthy products at an affordable and attractive price then an unhealthy choice is always likely to win ie the chocolate bar vs fruit.

Renfrewshire Council believes that temporary promotions should be flipped to ensure the promotion of temporary price reductions for healthy products and combinations. Giving the consumer choice and options for healthy foods at a reasonable price and responding to the food poverty / cost-of-living issues that would otherwise be exacerbated by this legislation. Temporary Price Reductions are often used by lower income families to supplement their shopping and feed their families – therefore healthier options need to be affordable and the right price promotions can play a significant role in delivering this.

### Question 8

Are there any other forms of price promotion that should be within scope of this policy?

☒ Yes

☐ No

☐ Don't know

Please explain your answer.

Price promotions on healthy products should be encouraged/meal deals that add healthy salad/water/fruit

Child meal deals should be healthy as standard

Attitudes around smaller portion sizes should be changed – a smaller portion is better for your body rather than a company trying to cut costs

Healthy products should be placed at eye level and at an advantageous position within commercial premises.

All of these messages would be more readily accepted if consumers could see price promotion of healthy foods as part of the overall approach.

### Section 3. Location and other non-price promotions

#### Question 9

Should the location of targeted foods in-store be restricted at:

Checkout areas, including self-service:

☒ Yes

☐ No

☐ Don't know

End of aisle:

☒ Yes

☐ No

☐ Don't know

Front of store, including store entrances and covered outside areas connected to the main shopping area:

☒ Yes

- ☐ No  
☐ Don't know

Island/ bin displays:

- ✓ Yes  
☐ No  
☐ Don't know

Please explain your answers.

Yes – there should be a limit on where unhealthy products are displayed and these promotional / impulse points should be for healthy products.

#### Question 10

Should any other types of in-store locations be included in restrictions?

- ✓ Yes (please specify)  
☐ No  
☐ Don't know

Please explain your answer.

Pop up shops should be treated in the same way and discouraged/not allowed for unhealthy food choices

Whilst in-store bakeries are needed, the promotion of goods, the availability of nutritional information and where they are situated should be considered/monitored.

#### Question 11

If included, should the location of targeted foods online be restricted on:

Home page:

- ✓ Yes  
☐ No  
☐ Don't know

Favourite products page:

☒ Yes

☐ No

☐ Don't know

Pop ups and similar pages not intentionally opened by the user:

☒ Yes

☐ No

☐ Don't know

Shopping basket:

☒ Yes

☐ No

☐ Don't know

Checkout page:

☒ Yes

☐ No

☐ Don't know

Please explain your answers.

For the obesity crisis to be targeted, there needs to be a restriction on the promotion of High Fat Sugar and Salt foods at all consumer interactions if this is going to have any impact. Again, healthier options can be promoted.

## Question 12

Should any other online locations be included in restrictions?

☒ Yes (please specify)

☐ No

☐ Don't know

Please explain your answer.

Marketing Opportunities that promote unhealthy products – outside advertising boards e. g buses/ boards/apps/health settings.

Minimise circular leaflets through doors for unhealthy foods.

Need to take a hard line to make an impact and allow legislation to take effect.



### Question 13

Are there other types of promotions (in-store or online) not covered by our proposals for restricting price and location promotions that should be within scope?

- ☒ Yes
- ☐ No
- ☐ Don't know

Please explain your answer.

As detailed earlier - Takeaway/restaurants that encourage eat as much as you like for fixed charge.

Buy One, Get One Free in takeaways/restaurants

Portion size of High Fat Sugar and Salt foods targeted.

### Section 4. Places that would be subject to restrictions

It is proposed that promotions would apply to any place, both physical premises and online, where pre-packed targeted foods are sold to the public. This would include:

- **Retail** such as supermarkets, convenience stores, discounters and bargain stores (including online sales)
- **Out of home** such as takeaway, home delivery services, restaurants, cafes, coffee shops, bakeries, sandwich shops and workplace canteens (including online sales)
- **Wholesale** outlets where there are also sales made to the public (including online sales)
- **Other outlets** such as clothes shops, tourist shops and pharmacies (including online sales)

### Question 14

Which places, where targeted foods are sold to the public, should promotions restrictions apply to?

Retail:

- ☒ Yes
- ☐ No
- ☐ Don't know

Out of home:

- ☒ Yes
- ☐ No

☐ Don't know

Wholesale (where sales are also made to the public):

✓ Yes

☐ No

☐ Don't know

Other outlets:

✓ Yes

☐ No

☐ Don't know

☐ Don't know

Please explain your answers.

A co-ordinated approach is required across the board, this must be consistent and without any gaps.

There needs to be a cultural change and to achieve this the opportunity should be taken wherever possible to allow people to have access to healthier foods and choices at an affordable price.

### Question 15

Are there other places/ types of business to which the restrictions should apply?

✓ Yes

☐ No

☐ Don't know

Please explain your answer.

Food manufacturers

Whole systems approach required to look at diet and obesity (Farm to Fork). This will include the restrictions within this consultation but also wider i.e. over provision of take-away premises etc.

It is proposed that the restrictions would not apply to: other wholesale outlets (where sales are only to trade); and where sales are not in the course of business, for example food provided through charitable activities, for example bake sales.

### Question 16

Are there other places/ types of business which should not be within the scope of the restrictions?

- ✓ Yes
- ☐ No
- ☐ Don't know

Please explain your answer.

The exempt/out of scope businesses need to be considered carefully. Should charitable bake sales be exempt? If the proposals are to assist the NHS, reduce obesity and in turn prevent heart disease, cancer, etc so should we be using High Fat Sugar and Salt foods to raise funds for these organisations?

Consideration should be given to this and whilst acknowledged, they are not currently daily or weekly occurrences, there needs to be a complete shift away from these products to healthier options. Consideration also needs therefore to be given to the potential for abuse of exemptions and how easy this would be to control.

## Section 5. Exemptions to restrictions

### Question 17

Do you agree with our proposal to exempt specialist businesses that mainly sell one type of food product category, such as chocolatiers and sweet shops, from location restrictions?

- ✓ Yes
- ☐ No
- ☐ Don't know

Please explain your answer.

Agreed as people will make a conscious effort to visit these premises and know what they are going for most of the time.

### Question 18

If exemptions are extended beyond our proposal to exempt specialist businesses that mainly sell one type of food product category, should exemptions be applied on the basis of:

	Yes	No	Don't know
Number of employees	✓	<input type="checkbox"/>	<input type="checkbox"/>
Floor space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Don't know	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your answer.

Specialist business that mainly sell one type of product could be exempt if they have limited sales.

People using specialist shops know what they are going for – there is less chance of opportunistic purchases led on by impulse buying due to a good deal.

### Question 19

If you agreed in question 18 that businesses should be exempt from location restrictions based on number of employees, what size of business should be exempt?

- ☐ All businesses in scope of restrictions (i.e. no exemptions based on employee number)
- ☒ All in scope except businesses with fewer than 10 employees (micro)
- ☐ All in scope except businesses with fewer than 50 employees (small and micro)
- ☐ All in scope except businesses with fewer than 250 employees (medium, small and micro)
- ☐ Other (please specify)

Please explain your answer.

Allowing survival of specialist bespoke business with limited sales will not have big impact on health agenda.

### Question 20

If you agreed in question 18 that businesses should be exempt from location restrictions based on floor space, what size of business should be exempt?

- ☐ Less than 93 square metres (1000 square feet)
- ☐ Less than 186 square metres (2000 square feet)
- ☐ Less than 279 square metres (3000 square feet)
- ☐ Other (please specify)

Please explain your answer.

Too complicated to enforce size – business will register multiple businesses or areas to keep within restrictions.

### Question 21

Are there any other types of exemptions that should apply?

- ☐ Yes
- ☐ No
- ☒ Don't know

Please explain your answer.

## Section 6. Enforcement and implementation

### Question 22

Do you agree with the proposal that local authorities are best placed to enforce the policy?

- ☒ Yes
- ☐ No
- ☐ Other (please specify who)
- ☐ Don't know

Please explain your answer.

Best placed as food businesses must register so aware of extent of business within a geographical area, however appropriate funding would be required. Consideration will also be required around the resourcing of enforcement to maximise impact, otherwise it could wither with no real impact.

### Question 23

If local authorities were to enforce the policy, what resources (for example staffing/ funding) do you think would be required to support enforcement?

Please explain your answer.

Staff training - General nutrition training & policy information training sessions/enforcement of the standards/consistency training/IT system training  
National database for nutrition/modelling/restrictions  
Funding for training/resources/IT  
Implementation guidance  
Consistency across Scotland for larger chains therefore national guidance/consistency (Home Authority principles for action)

#### Question 24

What do you think would be an appropriate lead-in time to allow preparation for enforcement and implementation of the policy?

- ☐ 6 months
- ☐ 12 months
- ☐ 18 months
- ☒ 24 months
- ☐ Other (please specify)
- ☐ Don't know

Please explain your answer.

The recovery from Covid-19 and the issues noted, has reinforced the message that action needs to be taken. However, a realistic time-scale that industry/businesses and enforcement staff can achieve needs to be set which takes into account the fact that businesses are currently struggling with costs of ingredients/energy costs/labour shortages/packaging increases following Brexit and Covid-19 and regulators are similarly pressurised and restricted so we need to manage the change.

Local authorities are also focusing on recovering their Food Law inspection programme under the Code of Practice with other responsibilities including EU Exit, Homes For Ukraine property inspections, Short Term Lets, Animal Licensing, Smoking on Hospital Grounds (and normal duties) currently being tackled by the profession. This is at the time of an ageing workforce and a lack of professionals currently undertaking the required training. Therefore, timescales are very important to ensure they are manageable.

### Question 25

Are there any further considerations, for example as a result of the coronavirus pandemic, EU exit or rise in cost of living, that need to be taken into account in relation to enforcement?

Please explain your answer.

Food supply major concern with business/supply chain with Brexit and enhanced costs e.g. costs of cooking oil/flour/disposable products. Major feedback from business that this is not the right time - but no time is right.

Enforcement is currently catching up following Covid-19 so need to clear the back log before moving forward.

Economic recovery is important, however, so is stopping the obesity crisis.

## Section 7: Legislative framework

### Question 26

Do you agree that Scottish Ministers should be able to make provision in secondary legislation, following consultation, to regulate in relation to specified less healthy food and drink and to arrange for enforcement (including the setting of offences and the issuing of compliance notices and fixed penalty notices)?

☒ Yes

☐ No

☐ Don't know

Please explain your answer.

Need to be able to change and adapt and plan for future enhancements and sanctions that encourage healthier food choices for the Scottish population.

## Section 8. Impact Assessments

### Question 27

What impacts, if any, do you think the proposed policy would have on people on the basis of their: age, sex, race, religion, sexual orientation, pregnancy and maternity, disability, gender reassignment and marriage/civil partnership?

Please consider both potentially positive and negative impacts and provide evidence where available. Comment on each characteristic individually.

Comment

Right to Healthy Food at affordable price is common amongst the population.

Certain religions/ individuals may not eat certain products and restrictions may impact on some of those products

### Question 28

What impacts, if any, do you think the proposed policy would have on people living with socio-economic disadvantage? Please consider both potentially positive and negative impacts and provide evidence where available.

Comment

Access to healthy food options at affordable prices is currently difficult for people living in socio-economic disadvantage. There is the potential for these restrictions to impact on access routes to sufficient food for some families.

This is absolutely fundamental to this consultation and proposal. If we are taking away for options for some communities to access affordable food on grounds that this will improve their health, then we need to replace them with healthier affordable choices. Otherwise, this will fail.

### Question 29

Please use this space to identify other communities or population groups who you consider may be differentially impacted by this policy proposal. Please consider both potentially positive and negative impacts and provide evidence where available.

Comment

### Question 30



Please tell us about any other potential unintended consequences (positive or negative) to businesses, consumers or others you consider may arise from the proposals set out in this consultation.

Comment

If successful the legislation will encourage business to reformulate products that are healthier and affordable

Certain businesses may close due to limited product sales - but may encourage new healthier business models to be created that are sustainable.

Positive enhancement for all businesses that sell healthier food options

### Question 31

Please outline any other comments you wish to make on this consultation.

Comment